

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

USALLIANCE FEDERAL CREDIT
UNION,

Plaintiff,

v.

Case No.: 2:17-cv-612-FtM-38MRM

JEFF A. RAWLINGS,

Defendant.

_____ /

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation (R&R), recommending the Court grant Plaintiff USAlliance Federal Credit Union's Stipulated Motion for Entry of Final Judgment for Continuing Writ of Garnishment as to Garnishee, Maj Contracting, Inc. ([Doc. 36](#)). No party timely objected to the R&R.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. See [28 U.S.C. § 636\(b\)\(1\)](#); see also [Williams v. Wainwright](#), [681 F.2d 732 \(11th Cir. 1982\)](#). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, [Garvey v. Vaughn](#), [993 F.2d 776, 779 n.9 \(11th Cir. 1993\)](#), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). The district

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

judge reviews legal conclusions *de novo*, even in the absence of an objection. See [Cooper-Houston v. Southern Ry. Co.](#), 37 F.3d 603, 604 (11th Cir. 1994).

Here, the parties settled a dispute over garnishment of Defendant Jeff A. Rawlings' wages and requested entry of an Agreed Final Judgment ([Doc. 36-3](#)). Judge McCoy found no reason to deny the motion. After careful consideration of the R&R, the Court accepts and adopts the R&R with one caveat. The Court will not direct the Clerk to enter the parties' Agreed Order because it does not reflect the Court's normal administrative practices. Specifically, the Agreed Order calls for the parties to submit an Amended Agreed Order increasing the garnishment amount if Rawlings' wife gains employment. Instead of submitting an amended order, the parties should jointly move for amendment of the judgment.

Accordingly, it is now

ORDERED:

United States Magistrate Judge Mac R. McCoy's Report and Recommendation (R&R) ([Doc. 40](#)) is **ACCEPTED and ADOPTED**.

(1) Plaintiff USAlliance Federal Credit Union's Stipulated Motion for Entry of Final Judgment for Continuing Writ of Garnishment as to Garnishee, Maj Contracting, Inc. ([Doc. 36](#)) is **GRANTED**.

(2) The Clerk is **DIRECTED** to judgment against Garnishee MAJ Contracting, Inc. as follows:

- a. Garnishee shall withhold from each of Defendant Jeff Rawlings' pay checks 12.5% of his earnings, including commissions, salary, wages, and any other form of payment, per pay period, and tender the withheld

sums to "Law Offices of Kevin Jackson, P.A." at 1136 SE 3rd Avenue, Ft. Lauderdale, FL 33316. Garnishee shall return to Defendant any amount over and above 12.5% it previously withheld.

- b. Garnishee shall continue forwarding the withheld sums to Plaintiff's counsel until the entire judgment balance of \$35,564.83, plus interest at the statutory rate from March 30, 2018, is paid in full. Upon payment of the entire balance, Garnishee shall be discharged from further liability under the Writ of Garnishment.

DONE and **ORDERED** in Fort Myers, Florida this 21st day of July, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record